

**W44**

**DATE:** March 8, 2001

**GENERAL INFORMATION:**

- Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
- Protect and enhance features which give Lincoln and Lancaster County its distinctive character, supporting a desirable quality of life.
- Protect and enhance the State Capitol, its Environs, and vistas to our premier landmark as a particular asset and responsibility of this community.

**ANALYSIS:**

**OVERVIEW:**

1. This is a request for a 68' wireless communications tower. The pole will replace an existing light pole in a church parking lot.
2. Qwest previously approached Lincoln Public Schools to locate a tower on the Southeast High School site.
3. The location originally proposed was adjacent to the parking lot on S. 40<sup>th</sup> Street. The site would have been visible to the residents across the street and next to the parking lot and would have also impacted a view of the Capitol.
4. The Urban Design Committee recommended that the tower be moved to a site that was more internal to the school campus, that would have a lesser impact on the residential uses in the area.
5. Qwest and Lincoln Public Schools were unable to come to terms on a more internal location.
6. The proposed location abuts the Southeast High campus to the north, the church to the south and the Cathedral School to the west. The dwellings to the east are densely screened with existing trees. The dwellings to the northeast are not in direct view of the proposed tower.

**STANDARDS FOR EVALUATION:**

**Conformity with Comprehensive Plan.**

7. The application is consistent with the goals of the Comprehensive Plan.

**Preference of site location in accordance with Chapter 27.68.080.**

8. The site is classified as a sensitive location since it is residentially zoned and in close proximity to residential uses. However, the proposed tower is adjacent to institutional uses to the north, south and west. The proposed tower is screened from the dwellings to the east by a dense tree mass. The proposed tower is not in the line of sight to the dwellings to the northeast.

**Compatibility with abutting property and surrounding land uses.**

9. The proposed tower is compatible with the institutional uses and screened from the residential uses. Parking lot lights, similar to the existing lights, will be attached to the pole to help it blend in with the area.

**Adverse impacts such as the visual, environmental or noise impacts.**

10. The adverse visual impacts are proposed to be mitigated by replacing parking lot lights on the new pole.

**Availability of suitable existing structures for antenna mounting.**

11. The application proposes to replace an existing parking lot light pole with a taller pole.

**Scale of facility in relation to surrounding land uses.**

12. The facility blends with the institutional church and school uses to the north, south and west. The residential uses to the east are screened by a large mass of trees. The proposed facility is out of the line of sight of the residences to the northwest.

**Impact on views/vistas and impact on landmark structures/districts, historically significant structures/ districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.**

13. There are no known negative impacts.

**Color and finish.**

14. The tower is proposed to be black to match the existing light poles.

**Ability to co-locate.**

15. The facility is constructed to accommodate co-location, however it is unlikely that another provider would co-locate below the height of the proposed antennas due to the height of the mature tree line. A taller pole would accommodate additional providers, however, would be more noticeable.

**Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.**

16. The existing tree mass to the east provides screening to the residential uses to the east. The church to the south screens the facility to the south.

**Impact on natural resources, open spaces, recreational trails, and other recreational resources.**

17. There are no known negative impacts.

**STAFF RECOMMENDATION:** Conditional Approval

CONDITIONS:

Site Specific:

1. This approval permits a 68' tall wireless communications facility for a period of 15 years.

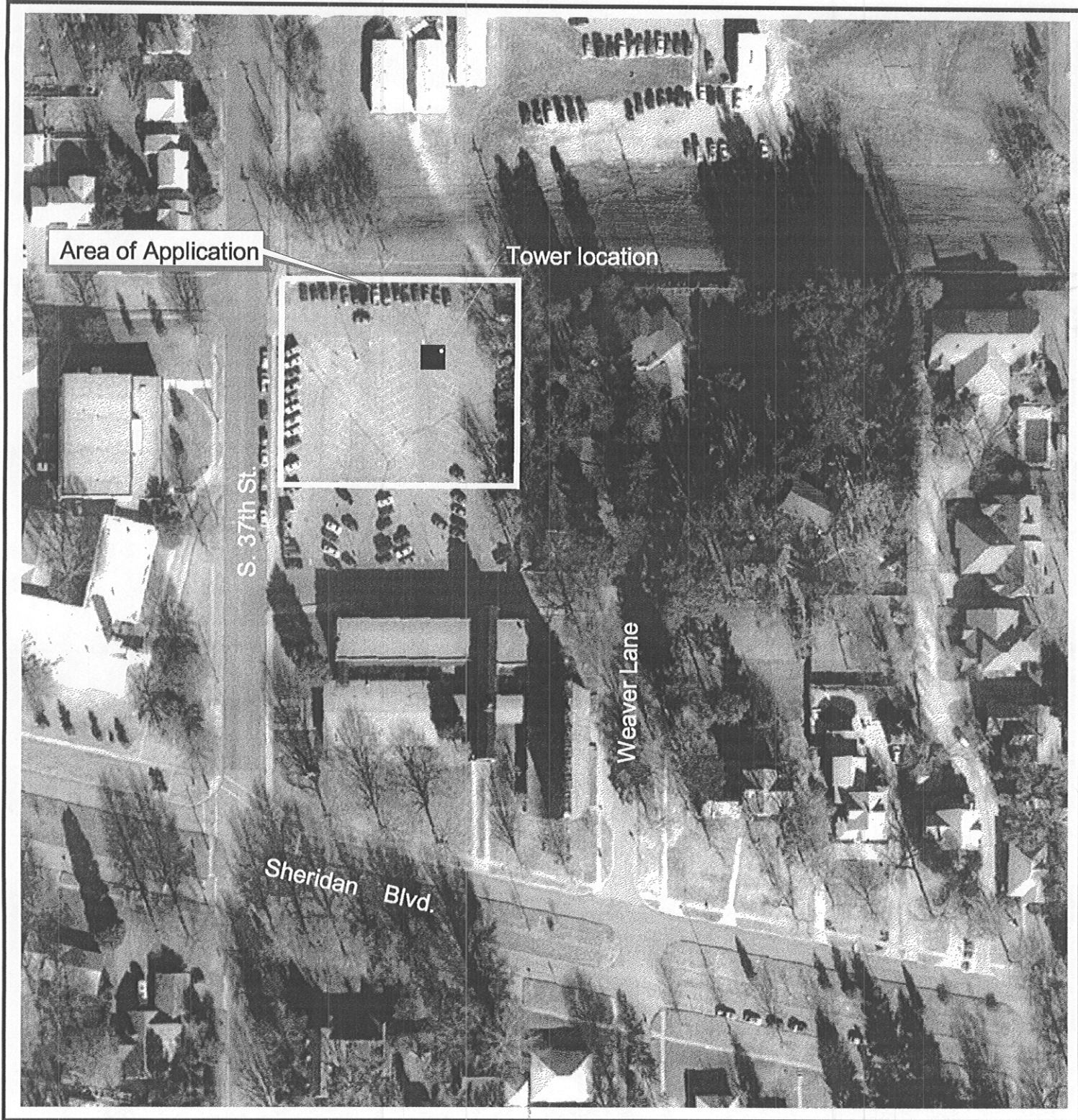
General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 Provide structural engineering calculations for the monopole and the pier for its foundation sealed by a Nebraska Professional Engineer.
  - 2.2 The permittee shall post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. The following conditions are applicable to all requests:
  - 3.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.
  - 3.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.
  - 3.3 The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
  - 3.4 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

- 3.5 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.6 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.7 The permitted shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.
- 3.8 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.
- 3.9 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

-----  
Jennifer L. Dam, AICP  
Planner



**Special Permit #1903**  
**Qwest Wireless**  
**S 37th & Sheridan Blvd.**

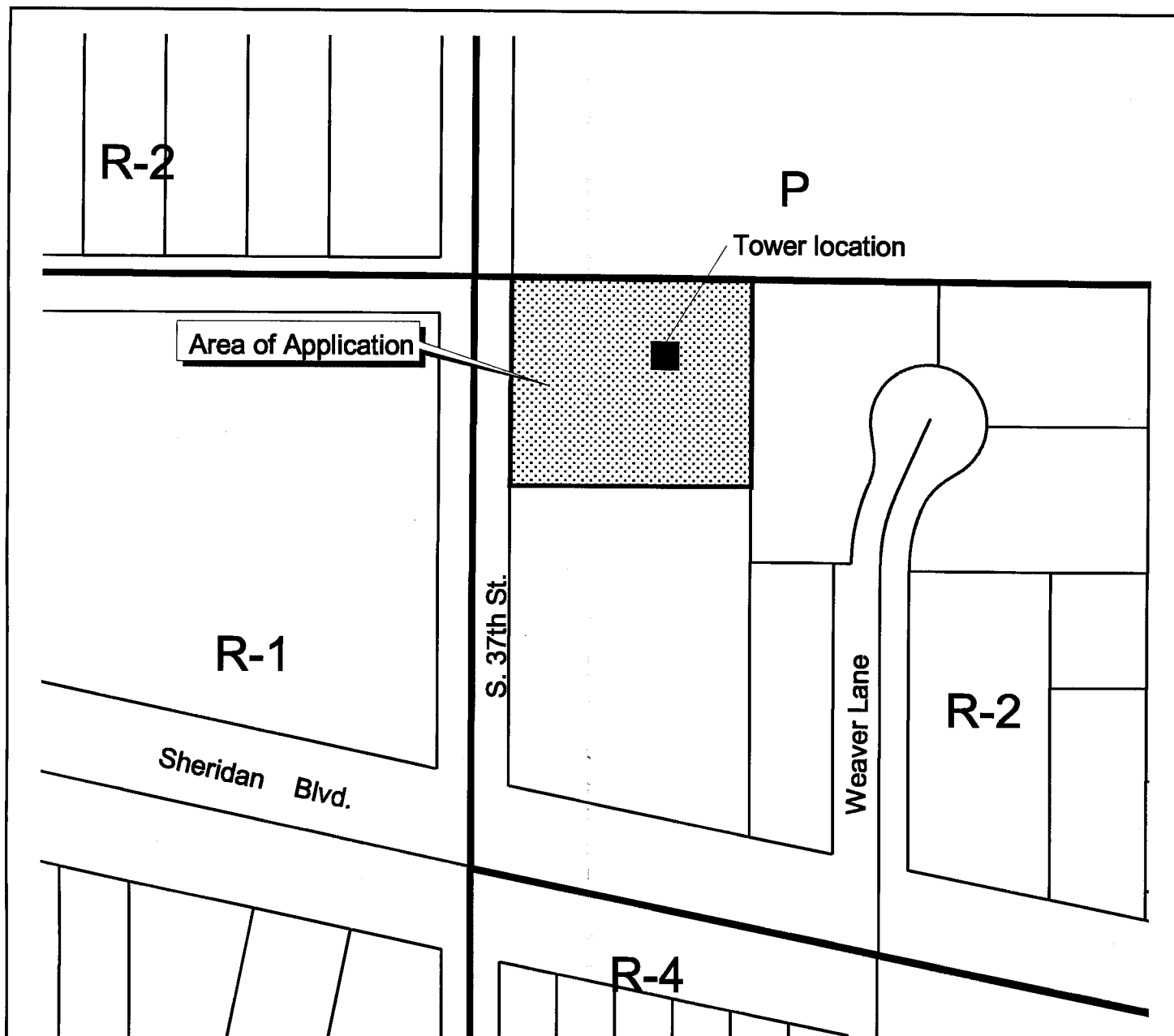


Sheet 1 of 2

Date: \_\_\_\_\_

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

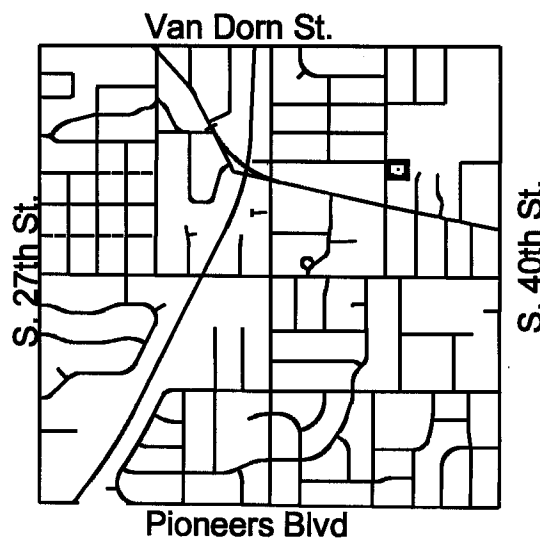
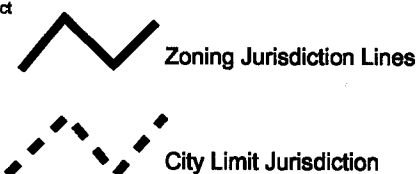


**Special Permit #1903**  
**Qwest Wireless**  
**S 37th & Sheridan Blvd.**

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 6 T9N R7E



Sheet 2 of 2

Date:

Lincoln City - Lancaster County Planning Dept.

NO.	DATE	REVISIONS	BY	CHECKED
1	6/10/09	PRELIMINARY	TR	TR
2	6/10/09	FINAL	TR	TR
3	6/10/09			
4	6/10/09			
5	6/10/09			
6	6/10/09			
7	6/10/09			
8	6/10/09			
9	6/10/09			
10	6/10/09			

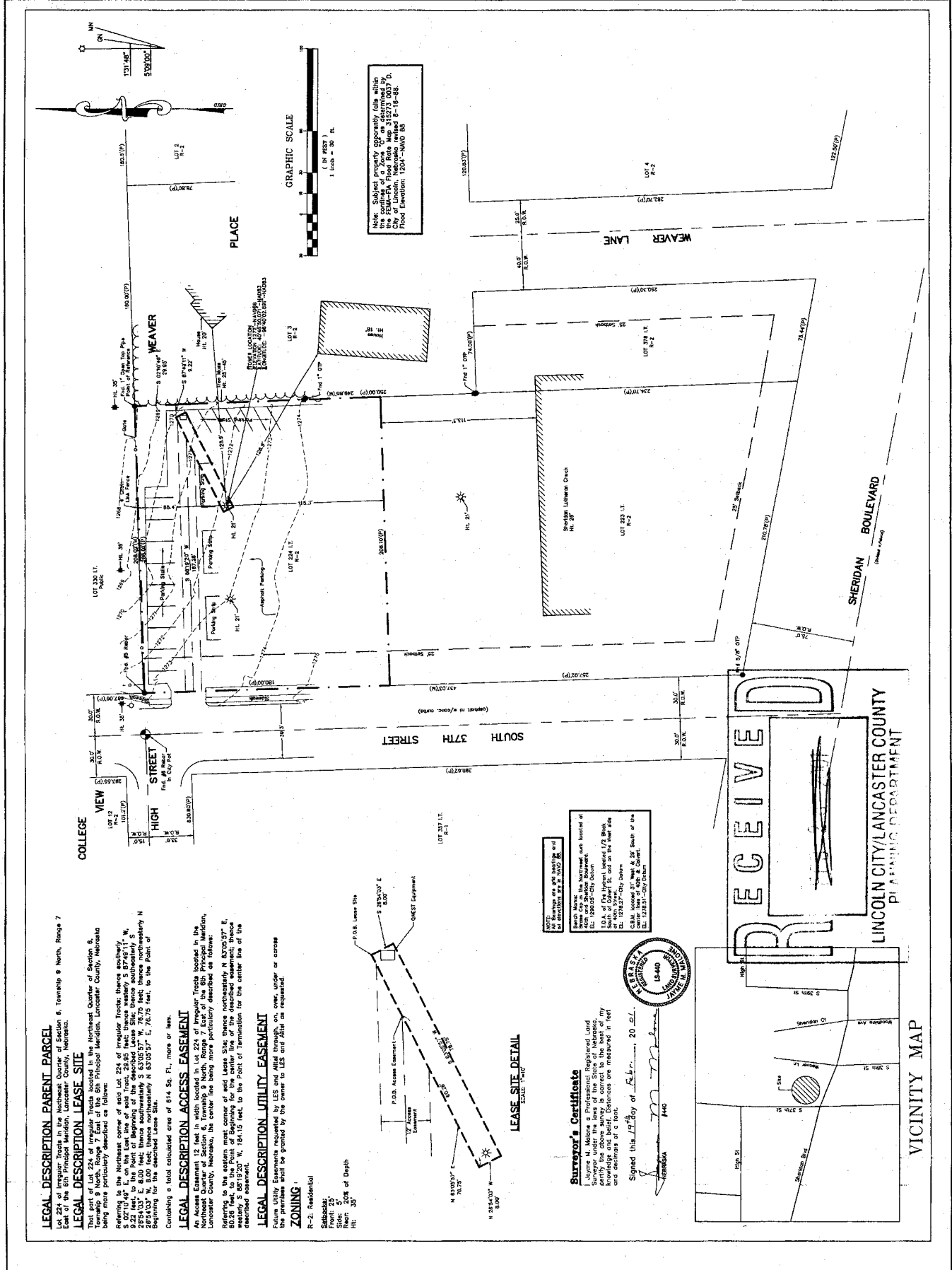
- LEGEND**
- (M) MEASURED DISTANCE
  - (P) PLAT DISTANCE
  - (D) DEED DISTANCE
  - (R) REQUIRED DISTANCE
  - FOUND CORNER
  - SET CORNER
  - FENCE - CHAIN LINK
  - CENTER LINE DRIVE
  - ⊙ BENCH MARK
  - ⊙ CONTROL POINT
  - ⊙ LIGHT POLE
  - ⊙ POWER POLE
  - ⊙ WATER (H) HYDRANT

**COMMUNITY LAND SURVEYING**

**LINCOLN OFFICE**  
 1001 S. 10th St., Suite 3  
 Lincoln, NE 68502  
 Phone: (402) 441-2777  
 Fax: (402) 441-2771

**Qwest Wireless**

<b>SITE INFORMATION</b>	SHERIDAN LUTHERAN CHURCH 3700 SHERIDAN BLVD LINCOLN, NE LIN023B
<b>DESIGN TYPE</b>	METAL POLE MOUNTED ANTENNAS AND OUTDOOR EQUIPMENT
<b>SHEET TITLE</b>	SITE PLAN
<b>SHEET NUMBER</b>	C-1
<b>PILOT DATE</b>	24 JAN 01



**LEGAL DESCRIPTION PARENT PARCEL**  
 Lot 224 of Irregular Tracts in the Northwest Quarter of Section 6, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska.

**LEGAL DESCRIPTION LEASE SITE**  
 That part of Lot 224 of Irregular Tracts located in the Northwest Quarter of Section 6, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, being more particularly described as follows:

Referring to the Northeast corner of said Lot 224 of Irregular Tracts: thence southerly 5 02'04" E, on the East line of said tract, 28.95 feet thence southerly S 87°45'11" W, 285'43" E, 8.00 feet thence southerly S 63°05'57" W, 78.75 feet thence southerly N 28°45'03" W, 8.00 feet thence southerly N 83°05'57" E, 78.75 feet, to the Point of Beginning for the described Lease Site.

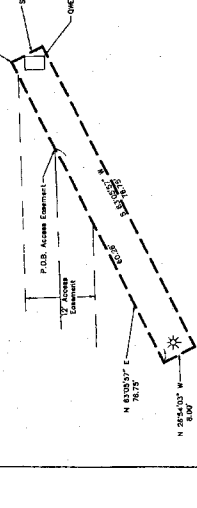
Containing a total enclosed area of 614 Sq. Ft., more or less.

**LEGAL DESCRIPTION ACCESS EASEMENT**  
 An Access Easement 12 feet in width located in Lot 224 of Irregular Tracts located in the Northwest Quarter of Section 6, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, its center of said Easement being the center of the 12-foot wide easement, beginning at the Point of Beginning for the center line of the described easement, thence southerly S 87°45'11" W, 184.12 feet, to the Point of Termination for the center line of the described easement.

**LEGAL DESCRIPTION UTILITY EASEMENT**  
 Full Utility Easements requested by LES and MHD through, on, over, under or across the premises and to be granted by the owner to LES and MHD as requested.

**ZONING**  
 R-2, Residential

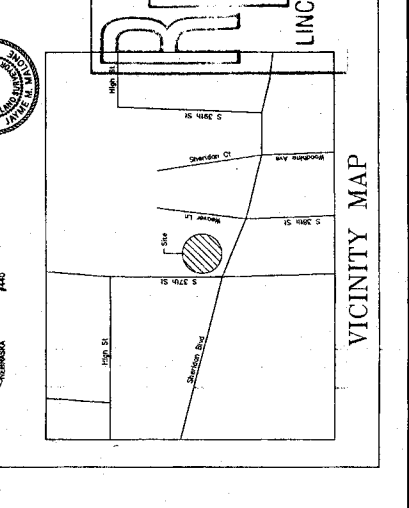
Setback:  
 Front: 25'  
 Side: 25'  
 Rear: 35'  
 HC



**Surveyor's Certificate**  
 I, James M. McNamee, a Professional Land Surveyor, State of Nebraska, do hereby certify that the above survey is correct to the best of my knowledge and belief, and that the measurements were made in feet and decimals of a foot.

Signed this 19th day of June, 2009.

*James M. McNamee*  
 Professional Land Surveyor



**RECEIVED**

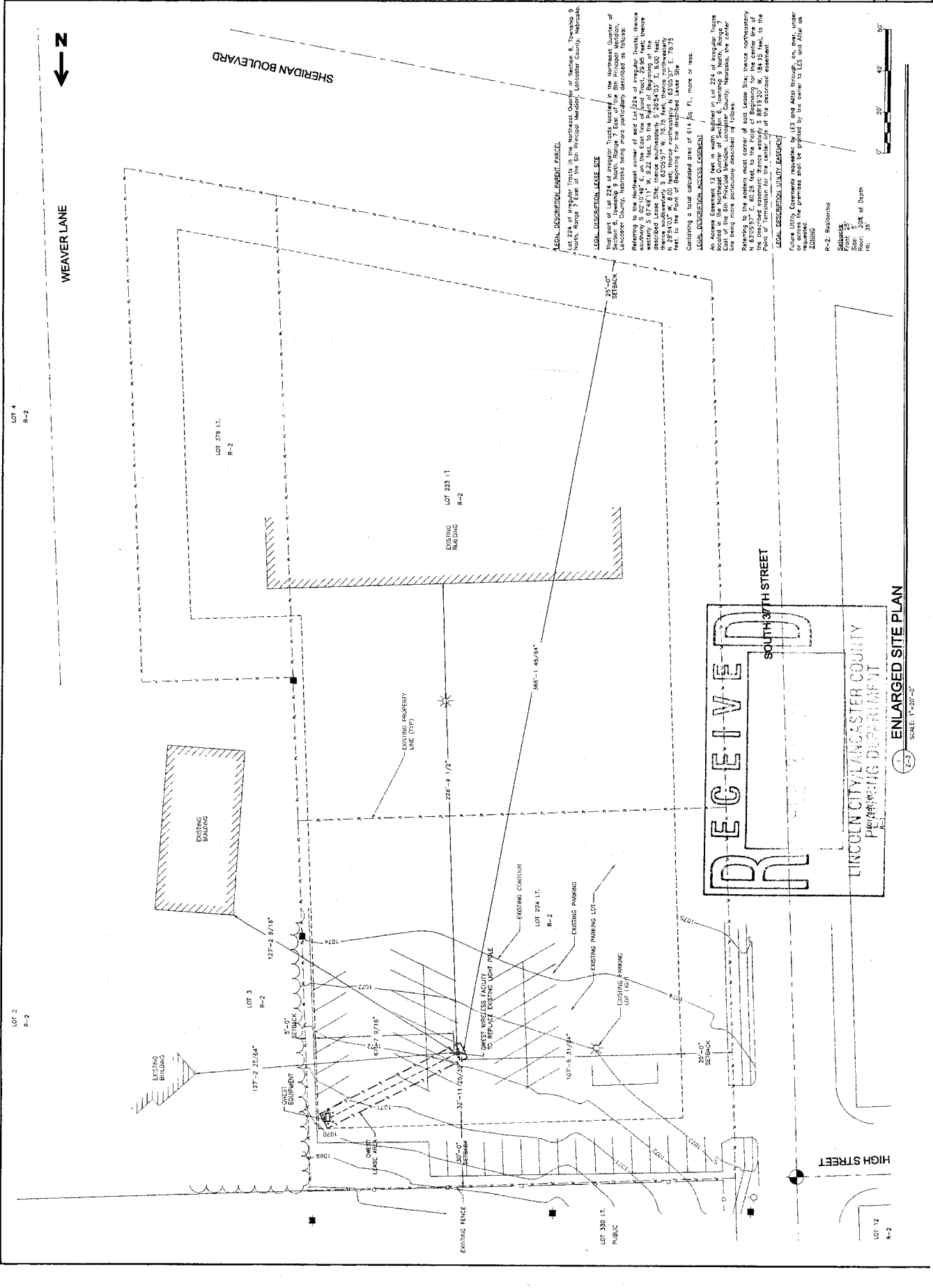
LINCOLN CITY/LANCASTER COUNTY  
 PLANNING DEPARTMENT



REV	DATE	REVISIONS	BY	DATE
1				
2				
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8				
9				
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BY	KJK	CHKD	APR
SITE INFORMATION			
SHERIDAN LUTHERAN CHURCH 3700 SHERIDAN BOULEVARD LINCOLN, NE			
DESIGN TYPE			
LIN-023			
SHEET TITLE			
METAL POLE MOUNTED ANTENNAS AND OUTDOOR EQUIPMENT			
ENLARGED SITE PLAN & DETAILS			
SHEET NUMBER			
Z-3			
REV.			
0			




**RECEIVE**  
 LINCOLN CITY/LANCASTER COUNTY  
 PLANNING DEPARTMENT

ENLARGED SITE PLAN  
 SCALE: 1"=20'-0"



LINCOLN CITY, LANCASTER COUNTY  
PLANNING DEPT. 10001



PCS-DS-17-06507-2D

SCALE: 3/4" = 1'-0"



NCLOSURE

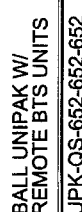
Qwest.<sup>®</sup> Wireless

BY	JJK	DWG	APRIL
SITE INFORMATION			
SHERMAN LUTHERAN CHURCH 3700 SHERIDAN BOULEVARD LINCOLN, NE LIN-02.3			
SECTION TYPE			
METAL POLE MOUNTED ANTENNAS AND OUTDOOR EQUIPMENT			
SHEET TITLE			
ELEVATION & DETAILS			
SHEET NUMBER			REV
Z-5			0



## ANTENNA ON METAL POLE

09/13/00



JPK-QS-652-652-652

SCALE: 1/2" = 1'-0"



ENCLOSURE

SCHE. 1/2" = 1' - 0"



## QUALCOMM MAIN/REMOTE UNIT

SCALE: 1" = 1'-0"

05/12/00

611

0



WEST ELEVATION

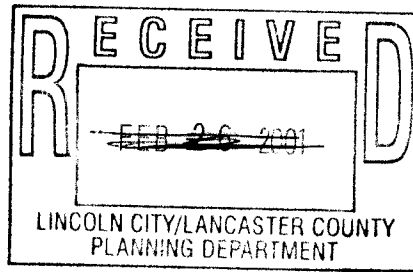
SCALE: 1/4" = 1'-0"

**USWEST** is now

**Qwest.**

**Qwest Wireless, L.L.C.**

910 North 43<sup>rd</sup> Avenue 2<sup>nd</sup> Floor  
Omaha, Nebraska 68131



February 8, 2001

City of Lincoln  
Jennifer Dam  
555 S. 10<sup>th</sup> Street, STE 213  
Lincoln, NE 68508

RE: Sheridan Luthern Church, 3700 Sheridan Blvd. – LIN023B

Dear Ms. Dam:

The following is the Personal Wireless Service Facilities Application Requirements as per your request.

- The record owner is enclosed in the "Property Owner."
- The statement of permission is enclosed.
- The type of site we are proposing is a stealth application, a light pole installation.
- The Metes and Bounds description has been enclosed in the drawing package.
- The Plot Plan has been enclosed.
- There are digital photographs, some representative of sight lines, enclosed.
- The Site Elevation has been enclosed in the drawing package.
- Before and after photographs have been enclosed.
- Landscaping is not required on stealth applications.
- This site is zoned R-2, and is not a preferred site; However, Section 27.17.040, Permitted Special Uses, (h) Broadcast Towers, are allowed if a Special Use Permit is obtained. Other Preferred sites in the area were researched and were ruled out for various reasons (see the enclosed "RF/RE Explanations.") How and why the proposed site meets our coverage objective is also included in the "RF Explanations." The distance between the proposed light pole replacement and the nearest residentially zoned area is 0', since the church is zoned residential.
- Equipment information has been enclosed.
- A colors and material brochure has been enclosed.
- The tower will be black to match the existing light poles. The equipment box will be a neutral green. There will be bollards placed around the base of the equipment as a barrier.
- Since this is a light pole installation, there will be minimal adverse effects on adjacent property. We will only need a height of 68', but may be required to go higher for future co-location. We are proposing the antennas to be at the top of the tower, looking similar to a "Top Hat." This design is very small and stealthy, compared to other providers installations, and minimizes the adverse visual impact on adjacent properties while providing Qwest the coverage needed in the area. If we have to make the tower taller for future co-location, the antennas would then hug the tower, and look different than renderings submitted with this application. The design of the pole will be a slender design, to look like a light pole. If the pole is made taller for colocation, the same slender pole cannot be used. A larger diameter

pole has to be used to hold our equipment along with the larger equipment of another carrier.

- The inspection and maintenance of the equipment will be performed by field engineers who follow a regular routine for inspection, usually in four- to six-week cycles. They also perform regular service internally with the appropriate software. Major problems, while considered to be infrequent, will be attended by backup arrangements prepared to treat each problem according to the characteristics of the problem.
- Copies of Environmental Documents have been enclosed labeled as Environmental I & II Documents
- All sites are screened for FAA requirements; and for any site requiring FAA registration, its approval will be provided at the time of obtaining a building permit. A letter has been enclosed summarizing the screening result, namely that it is in compliance with FAA regulations, along with backup data from the screening program.
- All sites are structurally built to meet the requirements of Lincoln's Ordinance Section 27.68.110 (6)(d), however, since this site is a stealth application, it would have the least amount of impact on the surrounding areas if it were not made co-locatable. The installation is designed to withstand 100 m.p.h. winds, and is included in the "Equipment Information." A statement of co-location has been included under "Permission/Co-location".
- The RF Systems Engineer has enclosed an explanation, from a technical standpoint, why it is necessary to have a tower within ½ mile of any other tower.
- The inspection and maintenance program will follow the EIA Maintenance List, which has been enclosed.
- Upon completion of the city approval process and at the time of obtaining a building permit, the following items will be recorded at the Register of Deeds: A Memorandum of Agreement with the property owner along with any access or utility easements. These items are not filed at this time in order to avoid encumbering the landowner's title prematurely.
- A Performance Bond in the amount of \$35,000.00 has been included as surety for the facilities located at 3700 Sheridan Blvd., Lincoln, Nebraska 68506, the address of this application.
- The Applicant understands that the Lincoln Ordinance, by which this application is reviewed and approved, also contains indemnity documentation that establishes an agreement between the Applicant and the City of Lincoln, as a condition of this application's approval according to the Ordinance.

This should be all the information as required by the checklist. If you have any questions, please feel free to contact me on my mobile at (402) 290-6533.

Thank you,



Jill Bazzell  
Real Estate Consultant  
Qwest Wireless, L.L.C.

Reason why Southeast High School, a preferred location, is not legally feasible.

We have been working with various members of Lancaster Public Schools in an attempt to lease ground space on school property for the purpose of installing wireless facilities since November 1999. To date, we have not been successful in this endeavor. The following is a timeline detailing our efforts.

- November 1999    ➤ Qwest Wireless began lease negotiations with the Lincoln Public Schools (LPS) for a proposed cell site at Southeast High School.
- January 2000    ➤ Qwest Wireless met with the Lincoln Public Schools on three different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- February 2000   ➤ Qwest Wireless met with the Lincoln Public Schools on two different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- March 2000      ➤ Qwest Wireless met with the Lincoln Public Schools on eight different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- April 2000      ➤ Qwest Wireless met with the Lincoln Public Schools on five different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- October, 2000   ➤ Qwest Wireless went to Urban Design for approval of the proposed cell site at Southeast School, but the application was denied because Urban Design recommended a site more internal to Southeast High campus, away from 40th Street and residences, which is not where LPS wanted it.
- November &  
December 2000   ➤ Qwest Wireless continued to work with LPS to try and come to a mutually acceptable lease and site location, but was unable to.
- January 17, 2001 ➤ Qwest Wireless formally pulls all applications with the Lincoln Public Schools.

As you can see, after much time and effort, a lease agreement and site location that was acceptable to all parties was unattainable. We then had to find an alternate location.

Sent To: Jennifer 03-05-01  
From: Bruce A. Fischer, Bldg & Safety  
Reviewed By: King Little

Building Permit No.: SP1903

QWest Wireless new monopole @ Sheridan Lutheran Church

March 5, 2001

Status: Denied

Comments:

1. Please provide structural engineering calculations for both the monopole as well as the pier for it's foundation, sealed by a Ne. P.E.

Sent To: denmifer 03-05-01  
From: Bruce A. Fischer, Bldg & Safety  
Reviewed By: King Little

Building Permit No.: SP1903

QWest Wireless new monopole @ Sheridan Lutheran Church

March 5, 2001

Status: Denied

Comments:

1. Please provide structural engineering calculations for both the monopole as well as the pier for it's foundation, sealed by a Ne. P.E.

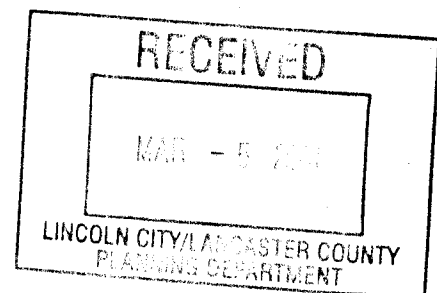


# Memorandum

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**To:** Jennifer Dam, Planning Department  
**From:** Gary Lacy, Public Works and Utilities *gll*  
**Subject:** Special Permit #1903, 3700 Sheridan Blvd., Qwest Wireless  
**Date:** March 1<sup>st</sup>, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Permit #1903, 3700 Sheridan Blvd. Public Works has no objections to this request.



RECEIVED

MAR - 6 2001

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

March 2, 2001

Ms. Jennifer Dam  
Planning Department  
555 South 10<sup>th</sup> Street, #213  
Lincoln, NE 68508

RE: Special Permit – #1903

Ms. Dam:

The Lincoln Airport Authority is not opposed, based upon information provided, to the proposed structure as specified in the material provided.

Thank you for the notice. Please call if you have any questions.

Sincerely,  
AIRPORT AUTHORITY



Robert P. McNally  
Deputy Director, Operations

# Memorandum

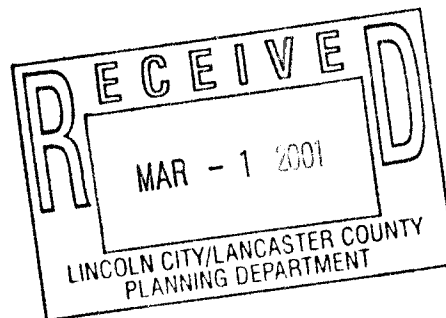
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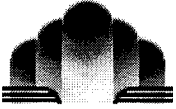
**To:** Jennifer Dam, Planning  
**From:** Rachel Martin, Parks and Recreation  
**Date:** March 1, 2001  
**Re:** 3700 Sheridan Blvd.

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Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions.





**Jennifer L Dam**

03/08/2001 11:06  
AM

To: Planning\_Landuse1

cc: jbazzel@uswest.com

Subject: SP1903 Qwest tower at Sheridan Luthern off agenda

SP 1903 is for the agenda. The applicant did not provide coverage objectives (or RF explanation) or an explanation of why other "limited preference sites" were not available. Additionally, the "signature/permission" of property owner does not provide information regarding the position the people signed hold in the church giving them the ability to sign for the church.



**Sheridan Lutheran Church**

3700 Sheridan Boulevard

Lincoln, NE 68506

Fax: 402-483-5334

Phone: 402-483-4577

E-mail: [sheridan@alltel.net](mailto:sheridan@alltel.net)

DATE: March 21, 2001

TO: City of Lincoln

FROM: Pastor Larry Arganbright

A handwritten signature in black ink, appearing to read "Pastor Larry Arganbright".

Keith Plummer, Lenora Hanna, and Dennis Burson are authorized to negotiate with QWEST for a site lease at Sheridan Lutheran Church, 3700 Sheridan Blvd. If you have any questions, please contact me.



Qwest Wireless, LLC  
910 North 43<sup>rd</sup> Ave.  
2<sup>nd</sup> Floor  
Omaha, NE 68131

Corby Dill  
RF Systems Engineer  
Office: 402/556-8287  
PCS: 402/320-0030  
Fax: 402/556-9992  
Email: cdill@uswest.com

March 21, 2001

**RF Report for LIN023 (3700 Sheridan Blvd.)**

1. **Coverage Objective:** This site is designed to cover an area bordered by 33<sup>rd</sup> Street on the west, and 48<sup>th</sup> Street on the east. It should also cover from Normal Blvd on the north to Pioneers Blvd to the south.
2. **Alternate Locations**
  - A. *There are no alternate locations ruled out for RF reasons within a half mile of this location.*
3. **Advantages of chosen location**
  - A. *The chosen site meets all coverage objectives within the coverage area, without causing undue interference in other areas of Lincoln.*
4. **Conclusion**
  - A. *The site at 3700 Sheridan Blvd is the best site to achieve engineering coverage objectives in this area.*